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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Saito et al.	Group No.:	2623
Serial No.:	09/367,630	Atty. Docket No.:	3045-1222 (53045/1222)
Filed:	August 19, 1999		
For:	Lock And Switch Using Pressure-Type Fingerprint Sensor	Examiner:	Ahmed, Samir Anwar

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Commissioner of Patents and Trademarks  
Washington, DC 20231

OCT 31 2002  
Technology Center 2600

**RESPONSE TO RESTRICTION REQUIREMENT**

In response to the restriction requirement dated September 24, 2002, Applicant hereby submits the following election with traversal.

In the restriction requirement, election is requested to one of the following claim groups:

- Group I: Claims 11-17, 19-24, 31, 34-35, 38-39, and 42-49;
- Group II: Claims 32 and 36;
- Group III: Claims 33 and 37; and
- Group IV: Claim 40

Applicant hereby elects the claims of **Group I** (claims 11-17, 19-24, 31, 34-35, 38-39, and 42-49) with traversal. The reasons for Applicant's traversal are set forth below.

MPEP §803 (entitled "Restriction – When Proper") states that "[u]nder the statute an application may be restricted to one of two or more claimed inventions only if they are able to support separate patents and they are either independent (MPEP §806.04-§806.04(i)) or distinct (MPEP §806.05-§806.05(i)). ***If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.***" (See MPEP §803 (emphasis added)). "There must be a serious burden on the examiner if restriction is required." (*Id.*)

Applicant respectfully submits that a serious burden does not exist. First, claims 32 and 36 (Group II) have been present in the application since the submission of the preliminary amendment with the CPA filing on November 21, 2001. Claims 32 and 36 were initially submitted in dependent form (depending on claims 11 and 19 respectively in the November amendment). In the last amendment dated August 14, 2002 (which resulted in the present restriction requirement), Applicant essentially amended claims 32 and 36 into independent format by expressly incorporating the limitations of claims 11 and 19 respectively. As such, the subject matter of claims 32 and 36 have already been the subject of search and examination (culminating in the February 2002 Office Action), and no additional burden is created through their continued examination. The August 2002 amendment of claims 32 and 36 merely rewrote those claims in independent form and their continued examination is not a serious burden given that have already been the subject of search and examination.

Second, the same can be said for claims 33 and 37 (Group III). Claims 33 and 37 have been present in the application since the submission of the November preliminary amendment together with the CPA filing (at that time they were filed as dependent claims from claims 11 and 19 respectively). In the August 2002 amendment, Applicant essentially amended claims 33 and 37 into independent form by expressly incorporating the limitation of claims 11 and 19 respectively. Therefore, as with claims 32 and 36, the subject matter of claims 33 and 37 have already been the subject of search and examination (see February 2002 Office Action), and their continued examination does not constitute a serious burden.


Third, as for claim 40 (Group IV), current claim 40 represents the addition of the limitations of previous claim 41 (first presented in the November 2002 amendment) to previous claim 40. Current claim 40 also includes a portable key unit limitation added by the August 2002 amendment. Given that claims 40 and 41 have already been the subject of search and examination, and that the portable key unit limitation has already been the subject of search and examination, Applicant respectfully submits that continued search and examination of claim 40 does not constitute a serious burden.

Lastly, the claims of Group I also set forth subject matter that has been present in the claims of the application since the November 2001 amendment. Because that

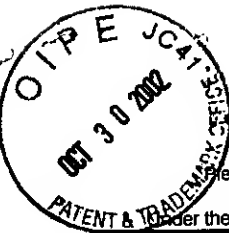
subject matter has already been the subject of search and examination, the continued examination of these claims would not constitute a serious burden.

Favorable action is respectfully requested.

Respectfully submitted,

  
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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/367,630	<b>RECEIVED</b> <b>OCT 31 2002</b> <b>Technology Center 2800</b>
	Filing Date	August 19, 1999	
	First Named Inventor	Saito et al.	
	Group Art Unit	2623	
	Examiner Name	Ahmed, Samir Anwar	
Total Number of Pages in This Submission	5	Attorney Docket No.	3045-1222 (53045/1222)

ENCLOSURES <i>(check all that apply)</i>		
<input type="checkbox"/> Charge Deposit Account -20-0823 <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> Affidavits/declarations(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 <input type="checkbox"/> Petition For Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b))	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i> <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Request To Rescind Previous Nonpublication Request <input checked="" type="checkbox"/> Response to Restriction Requirement <input type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i>
Remarks: <input checked="" type="checkbox"/> Commissioner is hereby authorized to charge fees in this application and any fees which may be required, or any overpayment, to Deposit Account 20-0823. I have enclosed a duplicate copy of this sheet <input type="checkbox"/> Amount: _____		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual Name	Benjamin L. Volk, Jr.
Signature	<i>B. L. Volk Jr.</i>
Date	October 24, 2002

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.			
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